

67603-11

9/17/2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Jamie Zajac
Sherwin Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

SEP 17 2013

Subject: Label Notification(s) for Pesticide Registration
Notice 98-10

Dear Ms. Zajac:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice PRN 98-10 dated July 12, 2013 for the following product(s):

Wasp & Hornet Killer

EPA Reg. No. 67603-11

The Registration Division (RD) has conducted a review of this request for applicability under PRN 98-10 and finds that the label change(s) requested falls within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact Linda A. DeLuise at 703-305-5428.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda A. DeLuise".

Richard J. Gebken
Product Manager
Insecticide Branch
Registration Division (7504P)

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060.

	United States Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460-0001	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number Notification
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Application for Pesticide – Section I

1. Company/Product Number <p style="text-align: center;">67603-11</p>	2. EPA Product Manager <p style="text-align: center;">Richard Gebken</p>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/ Product (Name) <p style="text-align: center;">Wasp & Hornet Killer</p>	PM # <p style="text-align: center;">10</p>	
5. Name and Address of Applicant (Include ZIP Code) Sherwin-Williams Diversified Brands 101 Prospect Avenue Cleveland, OH 44115 <input type="checkbox"/> Check if this is a new address		6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i) my product is similar or identical in composition and labeling to: <p style="text-align: center;">NOTIFICATION</p> <p style="text-align: center;">EPA Reg. No. <u>73049-159</u> SEP 17 2013</p> <p style="text-align: center;">Product Name <u>TetraPerm® Wasp & Hornet Killer FEQ 23</u></p>

Section – II

<input type="checkbox"/> Amendment – Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification – Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other – Explain below.
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Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Submit additional marketing verbiage, graphics and other minor label revisions Notification per PR Notice 98-10
Refer to the Reference Label for an illustration of all label revisions.

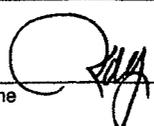
Notification of label change per PR Notice 98-10. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46. No other changes have been made to the labeling or the Confidential Statement of Formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section – III

1. Material This Product Will Be Packaged In:			
Child Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify): _____
*Certification must be submitted		If "Yes" Unit Packaging Wt. No. Per Container	If "Yes" Packaging Wt. No. Per Container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container <p style="text-align: center;">8 oz through 1 lb</p>	
5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling Accompanying Product			
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Stenciled <input checked="" type="checkbox"/> Paper glued <input checked="" type="checkbox"/> Other Self-adhesive			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application).		
Name <p style="text-align: center;">Jamie Zajac</p>	Title <p style="text-align: center;">Regulatory Affairs Specialist</p>	Telephone No. (Include Area Code) <p style="text-align: center;">(216) 515-8892 jzajac@sherwin.com</p>

Certification		6. Date Application Received (Stamped)
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		
2. Signature 	3. Title <p style="text-align: center;">Regulatory Affairs Specialist</p>	
4. Typed Name <p style="text-align: center;">for Jamie Zajac</p>	5. Date <p style="text-align: center;">July 13, 2013</p>	

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Additional Marketing Verbiage, Graphics and Other Label Revisions Notification

FedEx: FTM 8029 4461 7560



THE SHERWIN-WILLIAMS COMPANY
Environmental, Health & Regulatory Services
101 Prospect Avenue NW
Cleveland, Ohio 44115-1075
Facsimile: (216) 566-2730

July 12, 2013

Mr. Richard Gebken, Product Manager 10
Document Processing Desk – **NOTIF**
Office of Pesticide Programs – **7504P**
U.S. Environmental Protection Agency
One Potomac Yard (South Building), Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

Dear Mr. Gebken:

Subject: Wasp & Hornet Killer
EPA Reg. No. 67603-11

In support of a label revision notification, per PR Notice 98-10, the following documents are attached:

1. Application for Pesticide: Other (**Notification**)
2. One **Reference Label** (illustrating all the revisions)
3. Two **New Labels** (incorporating all the revisions)
4. Two market labels to illustrate the graphics' placement

The primary purpose of this label revision notification submission is to add marketing verbiage and graphics; there are other minor revisions as illustrated on the **Reference Label**. Although not illustrated on the **Reference Label**, the typographical error occurring in the **Restrictions** section (third line, "broadcast") has been corrected on the **New Label** ("broadcast").

Please contact me at (216) 515-8892 or jzajac@sherwin.com if you have any questions or require additional information.

Regards,

for

Jamie Zajac,
Regulatory Affairs Specialist

Attachments

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Wasp & Hornet Killer

[[Select marketing claims and/or graphics from "Marketing Claims and Graphics" section]]

Active Ingredients:

Tetramethrin (CAS No. 7696-12-0)	0.10%
Permethrin (CAS No. 52645-53-1)	0.25%
Piperonyl butoxide* (CAS No. 51-03-6)	0.50%
Other Ingredients**	99.15%
Total	100.00%

*(butyl carbityl)(6-propylpiperonyl) ether and related compounds

**Contains petroleum distillate

Keep Out of Reach of Children

CAUTION

See back [side] panel for First Aid and additional Precautionary Statements.

EPA Reg. No. 67603-11

EPA Est. 10900-OH-1, 33915-MI-1

Refer to bottom of container for production facility

NOTIFICATION

Net Weight: ___ oz. (___ g)
{8 oz. through 1 pound}

SEP 17 2013

{Back [Side] Panel(s)}

First Aid

If in Eyes:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If Swallowed:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor for treatment advice. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-222-1222 {or other appropriate 24/7 number} for emergency medical treatment information.</p>	
<p>Note to Physician: Contains petroleum distillate – vomiting may cause aspiration pneumonia.</p>	

{Note: The First Aid statements grid format will be used if market label space permits; otherwise a paragraph format will be used.}

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Contains petroleum distillates. Causes moderate eye irritation. Avoid contact with eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

User Safety Recommendations

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Users should wash hands before eating, drinking chewing gum, using tobacco or using the toilet. Users should immediately remove clothing/PPE if pesticide gets inside, then thoroughly wash and put on clean clothing. Users should immediately remove PPE after handling this product. Wash the outside of gloves before removing. As soon as possible, thoroughly wash and change into clean clothing.

Physical or Chemical Hazards

Flammable. Contents under pressure. Keep away from heat, sparks and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

Environmental Hazards

This pesticide is extremely toxic to aquatic organisms, including fish and invertebrates. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment wash waters.

This pesticide is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that will contact adults, children or pets, either directly or through drift.

Shake Well Before Using

Restrictions

When used indoors: Do not allow adults, children or pets to enter the treated area until vapors/mists/aerosols have dispersed, sprays have dried and the treated area has been thoroughly ventilated; and remove pets/birds and cover fish aquariums before spraying. Not for broadcast use on indoor surfaces. Do not apply when food is present. Cover or remove exposed food. Remove or cover dishes, utensils, food processing equipment and food preparation surfaces, or wash them before use. Do not use in commercial food/feed handling establishments, restaurants or other sites where food/feed is commercially prepared or processed. Not for use in Federally-inspected meat and poultry plants. Do not apply to pets or contaminate feed, foodstuffs, dishes or utensils. Avoid directly spraying vegetation.

When used outdoors: Do not apply this product in a way that will contact adults, children, or pets, either directly or through drift. Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies or aquatic habitat can occur. Do not allow the product to enter any drain during or after application. All outdoor applications must be limited to only spot or crack-and-crevice treatments, except for the following permitted uses: 1) Treatment to soil or vegetation around structures; and, 2) Applications to building foundations, up to a maximum height of 3 feet. Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors and eaves) are limited to only spot and crack-and-crevice applications. Do not water treated area to the point of runoff. Do not make applications during rain.

Read Entire Label

For best results, spray in early morning or late evening when insect activity is minimal. Stand a safe distance from nest and not directly underneath. May cause staining (darkening) of asphalt surfaces and shingles. [Remove protective cap.] Hold can upright and point spray opening toward nest with wind at your back. Spray until nest is thoroughly saturated to kill the entire nest population. Residual action will keep wasps and hornets from returning to the nest. Wait at least 24 hours before removing the nest.

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To Kill Bees, Hornets, Yellow Jackets and Wasps under eaves, screens, window frames, doors, patios, cracks, holes or crevices or wherever insects are noticed, spray for about 1-2 seconds where insects enter, such as outside plumbing, faucets, etc., and cracks or crevices in foundation as well as along sills and ledges.

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in a cool, dry area inaccessible to children and pets and away from heat, sparks and open flame. **Pesticide/Container Disposal:** Non-refillable container; do not reuse or refill this container. Do Not Incinerate or Puncture! **If empty:** Offer for recycling if available; otherwise dispose of in trash. [This container may be recycled in aerosol recycling centers. At present, there are only a few such centers in the country. Before offering for recycling, empty the can by using the product according to the label.] **If partly filled:** Call your local solid waste agency for disposal instructions.

(Per PR Notice 2007-4 the batch code/lot number will appear on the label or container.)

Important Note: To the extent not prohibited by applicable law, Buyer assumes all risks of use, storage or handling of this material not in strict accordance with directions given herewith.

[Distributed by:]



Sherwin-Williams Diversified Brands

101 Prospect Avenue
Cleveland, OH 44115

{Marketing Claims and Graphics}

- Acts as a Barrier that Prevents Insects from Entering the Home
- Can be Used Both Indoors (attics and other places where nests are built) and Outdoors on Wasp and Hornet Nests
- Contains the Synergist Piperonyl butoxide with Permethrin & Tetramethrin
- Dielectric Breakdown Voltage of 33,000 Volts
- Electrically Non-Conducting
- Garden Center Size
- Gives Knockdown & Kill of Wasps, Hornets, Yellow Jackets & Bees
- House & Yard Line
- Instant Kill
- Instant Knockdown Prevents Nesting
- Instantly Drops Wasps, Hornets, Yellow Jackets & Bees
- Jet Spray – Will Reach up to 20 Feet above Ground
- Kills Fast
- Kills Nests and Listed Insects with Residual Action
- Kills on Contact Wasps, Hornets, Yellow Jackets and Bees
- Kills the Entire Nest
- Kills Wasps, Hornets Yellow Jackets & Bees
- Kills with Residual Action as Wasps & Hornets Return to Nest
- Quick Kill
- Sprays up to 20 Feet
- Order No. {appropriate number}
- Made in U.S.A.



{Enlargement:
No CFCs

Contains no CFCs or Other Ozone Depleting Substance.
Federal Regulations Prohibit CFC propellants in aerosols.}

PLEASE RECYCLE
WHEN EMPTY



{Enlargement:
30.0 KV / DS

SPRAY DISTANCE UP TO 20 FT.

H2 F2 R0}



SPRAYON® MOBILE SOURCE

Scan, visit or call for technical
information or to buy now



6 7 5 5 7 7 9 8 8 5 7 8

(Representative UPC)

{End of Marketing Claims and Graphics}

[] Denotes alternate/optional language

{ } Denotes language that does not appear on the market labeling